

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

UNITED STATES OF AMERICA	§	
	§	
v.	§	CRIMINAL NO. 09-336
	§	
MICHAEL N. SWETNAM, JR.	§	

**UNITED STATES MOTION FOR  
FINAL ORDER OF FORFEITURE**

The United States moves for a final order of forfeiture for certain assets associated with the Defendant for which no third-party claims were filed.

Defendant Swetnam was sentenced for mail fraud on June 9, 2011 (Dkt. No. [186](#)). The Court imposed a personal money judgment of \$2,950,301.00 against the Defendant, and Defendant Swetnam's residence was forfeited to the extent of \$77,526.91 in proceeds directly traced into the real property (Order of Forfeiture, Dkt. No. [184](#)). The Court subsequently forfeited as substitute assets one-half of the net proceeds that would otherwise be due to the sellers from the sale of the residence (Order Forfeiting Substitute Asset, Dkt. No. [191](#)).

With the agreement of the United States, the residence was sold. At closing, the United States received (1) \$77,526.91 wired to the U.S. Marshals Service in compliance with this Court's Order of Forfeiture; and (2) \$11,023.28 wired to the

U.S. Marshals Service in compliance with this Court's Order Forfeiting Substitute Asset.

The United States published notice of the forfeiture (Dkt. No. [195](#)), and the Defendant's wife was served (Dkt. No. [194](#)) with both the Order of Forfeiture and the Order Forfeiting Substitute Asset. Neither the wife nor any other third party filed a petition asserting a claim to any of the property, and any third parties are now barred from making a claim and should be held in default. 21 U.S.C. § 853(n)(7). The forfeitures are final as to the Defendant pursuant to Fed.R.Crim.P. 32.2(b)(4)(A).

WHEREFORE, the United States moves that the Court enter a Final Order of Forfeiture. A proposed form of order is attached for the Court's consideration.

Respectfully submitted,

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Southern District of Texas

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**CERTIFICATE OF NON-CONFERENCE**

The Defendant lost any interest he may have had in forfeited funds at the time he was sentenced, pursuant to Federal Rule of Criminal Procedure 32.2(b)(4)(A), and he was unopposed to entry of the two preliminary orders of forfeiture. No third parties filed a petition claiming an interest in the assets that were forfeited in the preliminary orders. Since there are no parties with an interest in the property that is the subject of this motion, it appears that a certificate of conference for this motion is not necessary.

s/Kristine E. Rollinson

Kristine E. Rollinson

**CERTIFICATE OF SERVICE**

A true and correct copy of this pleading was served on all parties via electronic court filing on May 4, 2012.

s/Kristine E. Rollinson

Kristine E. Rollinson